

CITY'S REPLY

EXHIBIT L

EP-15-cv-00386-DCG

DANIEL VILLEGRAS vs CITY OF EL PASO, et al

CHIEF HENRY FLUCK

DECEMBER 21, 2022



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Chief Henry Fluck 12-21-2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

DANIEL VILLEGAS)
)
VS.) CAUSE NO.
) EP-15-cv-00386-DCG
CITY OF EL PASO, ET AL.)

ORAL AND VIDEOTAPED DEPOSITION OF
CHIEF HENRY FLUCK
DECEMBER 21, 2022
(REPORTED REMOTELY)

ORAL AND VIDEOTAPED DEPOSITION OF CHIEF HENRY FLUCK, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on December 21, 2022, from 9:35 a.m. to 2:42 p.m., before Sherry Hammonds, CSR in and for the State of Texas, reported by machine shorthand, via Zoom, and the witness located at the offices of the Taylor Police Department, 500 S. Main Street, Taylor, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions attached hereto or stated on the record.

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 EL PASO DIVISION

4 DANIEL VILLEGAS)
5 VS.)
6 CITY OF EL PASO, ET AL.) CAUSE NO.
7) EP-15-cv-00386-DCG
8)

9 REPORTER'S CERTIFICATION
10 ORAL AND VIDEOTAPED DEPOSITION OF
11 CHIEF HENRY FLUCK
12 DECEMBER 21, 2022
13 (REPORTED REMOTELY)

14 I, Sherry Hammonds, Certified Shorthand Reporter in
15 and for the State of Texas, hereby certify to the
16 following:

17 That the witness, CHIEF HENRY FLUCK, was duly sworn
18 by the officer and that the transcript of the oral
19 deposition is a true record of the testimony given by
20 the witness;

21 That the deposition transcript was submitted on
22 _____ to the witness or to the attorney
23 for the witness for examination, signature, and return
24 to The Legal Connection by _____;

25 That the amount of time used by each party at the
deposition is as follows:

26 Mr. Wally Hilke - 02:00
27 Mr. Lowell F. Denton - 02:19
28 Mr. J. L. Jay - 00:00
29 Mr. Andres E. Almanzan - 00:00
30 Mr. Jeep Darnell - 00:00

31 That pursuant to information given to the

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1 no appeal, then the discipline that's been imposed is
2 not set aside or reduced like these other that we see?

3 A. Correct.

4 Q. So the discipline stands?

5 A. Yes.

6 Q. The point is made?

7 A. That's right.

8 Q. So you've already talked about Lieutenant
9 Serna and how, not only did his disciplinary suspension
10 cost him six months of pay, but it also cost him future
11 promotions.

12 Do you know of any other instances where
13 officer misconduct resulted in serious career
14 implications or changes to enforce department policies?

15 A. Well, there would be cases where officers
16 were terminated and so that would, of course, affect
17 their future because they have no future with the
18 department if they're terminated and the termination is
19 upheld by appeal.

20 Q. Okay. As a member of the Command Staff, did
21 you become aware of decisions that were made to
22 reorganize or eliminate the tactical division as a
23 result of policy violations?

24 A. Yes.

25 Q. What happened in that instance? As a member

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1 of the Command Staff, what did you -- what did you know
2 about that and what was your understanding
3 at --

4 A. Well, I remember that a lieutenant and
5 sergeant got removed from tactical, and that's a pretty
6 serious thing to -- to have a mandatory reassignment
7 because of your performance. So it's a -- some people
8 call it a disciplinary transfer, even though that in
9 itself is not discipline, but I -- the individuals also
10 received suspensions and reprimands for what they did.

11 Q. Was John Scagno committed to compliance with
12 the juvenile processing rules and laws?

13 A. Yes.

14 MR. HILKE: Objection, form.

15 Q. (BY MR. DENTON) During the time that you
16 were in the Command Staff, did your personal
17 observations lead you to reach a conclusion about
18 whether John Scagno was committed to enforcing the
19 policies and laws about handling juveniles?

20 A. Yes.

21 Q. And what was that opinion?

22 A. Well, that he -- he took it very seriously.
23 He did not want to see any procedures of juveniles
24 violated, whether it be where -- if they're interrogated
25 without notifying their parents, if they are not taken

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1 to the juvenile services facility and if juveniles are
2 abused in any way, he would not tolerate that.

3 Q. Let me ask you the same question about Joe
4 Messer because he served as Interim Chief for a time;
5 correct?

6 A. He served for an Interim Chief on two
7 occasions.

8 Q. All right. And from your observations and
9 work with him on the Command Staff, did you form an
10 opinion about whether Joe Messer was committed to
11 enforcing policies and laws about the handling of a
12 juvenile suspect?

13 A. Yes, he was committed to that.

14 Q. Okay. And what about yourself; when you
15 became the Chief of the department, what was your
16 commitment in terms of juvenile policies and procedures?

17 A. I had the same type of commitment about
18 juvenile procedures need to be followed, there's a
19 reason for them, and I strongly adhere to that myself.

20 Q. Okay. Are you familiar with the term or
21 concept in police research and so forth of noble cause
22 corruption?

23 A. Yes.

24 Q. All right. Tell the jury what that is.

25 A. Well, I think in summary it means the end